

## Votes of the Board of Environmental Protection: Regular Agenda Items Calendar Year 2003

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Katharine Littlefield	John. Marsh	Melford Pelletier	Virginia Plummer	John. Tewhey	Jean Wilkinson	Nancy Ziegler
<u>FEBRUARY 20, 2003</u> <b>[No regular agenda items – public hearing conducted] Chapter 155</b>										
<u>MARCH 6, 2003</u> <b>[1] GTE Operations / Control Devices</b> - motion to post to 45-day comment the GTE Operations Support and Control Devices hazardous waste facility proposed post closure as amended	Y	--	Y	Y	--	Y	Y	Y	N	--
<b>[2] Chapter 2</b> - motion to adopt Chapter 2, Rules Concerning the Processing of Application and Other Administrative Matters for repeal and replacement w/ amendments	Y	--	Y	N	--	Y	Y	Y	Y	--
<b>[3] Mead tax certification / appeal town of Mexico</b> - motion to ratify the terms and conditions defined in the consent order between Mead Oxford Corporation and the Town of Mexico with amendments	Y	--	Y	Y	--	Y	--	Y	Y	--
<u>MARCH 20, 2003</u> <b>[1] Widewater Stillwater Retail Develop</b> - motion to draft an order deny the application of Widewater Stillwater Retail Development Company for a Retail Development project in Bangor. (Wal-mart)	N	--	Y	N	Y	N	Y	Y	--	Y

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Katharine Littlefield	John. Marsh	Melford Pelletier	Virginia Plummer	John. Tewhey	Jean Wilkinson	Nancy Ziegler
<u>APRIL 3, 2003</u>	Y	--	Y	N	Y	Y	Y	Y	Y	Y
<b>[1] Daniel E. Farrington d/b/a Augusta Abatement Company</b> – motion to affirm the Commissioner’s decision which denies the application of Daniel E. Farrington for an asbestos abatement contractor license										
<b>[2] Smith’s Junkyard / Designated Uncontrolled Hazardous Waste site (evidentiary hearing on appeal of designation)</b> - on a motion to table action on the appeal	Y	--	Y	Y	Y	Y	Y	Y	Y	Y
<u>APRIL 17, 2003</u>	Y	Y	--	Y	--	--	Y	Y	Y	Y
<b>[1] Chapter 579</b> - motion to adopt new, Chapter 579 Classification Attainment Evaluation Using Biological Criteria for Rivers and Streams and Errata Sheet										
<b>[2] Chapter 100 and 101</b> - motion to adopt amendments to Chapter 100 Definitions and the repeal and replacement of Chapter 101, Visible Emission Standards	Y	Y	--	Y	--	--	Y	Y	Y	Y

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Katharine Littlefield	John. Marsh	Melford Pelletier	Virginia Plummer	John. Tewhey	Jean Wilkinson	Nancy Ziegler
<u>MAY 8, 2003</u>	Y	Y	Y	Y	--	Y	Y	Y	Y	--
<b>[1] Small Community Grant Program Priority List</b> – motion to approve the 2003 Small Community Grant Program Priority list										
<b>[2] Peterson Design Group PBR</b> - motion to deny the appeal and affirm the Commissioner's decision to grant the permit by rule – failed. The Chair directed DEP staff to draft a Board order reversing the Commissioner's approval / denying permit-by-rule #31231	N	N	N	N	N	N	Y	Y	Y	A
<b>[3] Widewater Stillwater Company, LLC</b> – on motion to deny Widewaters' request to withdraw its application	N	A	Y	N	Y	Y	Y	Y	--	Y
<b>[4] Widewater Stillwater Company, LLC (ratify decision)</b> – motion to adopt the proposed draft order denying the application for a Site Location of Development permit to construct a retail development project in Bangor	N	--	Y	N	Y	N	Y	Y	--	Y
<b>[5] China Lake Water Level</b> – motion to move forward with the proposed schedule as set forth in the memorandum dated May 1, 2003.	Y	--	N	--	Y	Y	N	N	--	Y

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Katharine Littlefield	John. Marsh	Melford Pelletier	Virginia Plummer	John. Tewhey	Jean Wilkinson	Nancy Ziegler
<u>JUNE 5, 2003</u>	Y	Y	Y	N	Y	Y	--	N	Y	Y
<b>[1] Diamond Cove Homeowners Association</b> - motion to deny the appeal and affirm the Commissioner's decision with amendments										
<b>[2] GTE Operations</b> - motion to approve the Hazardous Waste Facility Post Closure License of GTE Operations Support Inc. and Control Device Inc., as modified to include the revised figure 6 attachment.	Y	Y	Y	Y	--	Y	--	Y	Y	Y
<b>[3] Chapter 155</b> – motion to adopt Chapter 155, Portable Fuel Container Spillage Control rules amended to include the comments of the Portland Water District in the basis statement.	Y	Y	Y	N	A	Y	--	Y	Y	Y
<b>[4] Chapter 315</b> - motion to adopt Chapter 315, Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses as presented.	N	--	Y	N	N	Y	--	Y	--	Y
<b>[5] Hemond's Motocross Park, L.L.C</b> - motion to deny the appeal and affirm Department Order L-21215-NI-A-N as amended to include new Conclusion #4 which defines a "day" as a 24-hour period beginning at the hour of first use.	Y	Y	Y	Y	Y	Y	--	Y	--	Y

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Katharine Littlefield	John. Marsh	Melford Pelletier	Virginia Plummer	John. Tewhey	Jean Wilkinson	Nancy Ziegler
<u>JUNE 19, 2003</u>	Y	Y	Y	Y	Y	--	Y	Y	Y	Y
<b>[1] China Lake Water Level</b> - motion to approve the First Procedural Order as presented which grants intervenor status to David Landry, James Pitney, Town of China and Kennebec Water District.										
<b>[2] Aquaculture</b> - motion to approve the Draft General Permit for Atlantic Salmon Aquaculture as recommended by the Department to include the Part II amendment and correction of error in date	Y	Y	N	Y	Y	--	Y	Y	Y	Y
<b>[3] Chapter 355</b> - motion to provisionally adopt Chapter 355, Coastal Sand Dune Rules as recommended with amendments	Y	N	N	N	A	--	Y	Y	Y	Y
<b>[4] Widewater Stillwater Company</b> - motion to deny the request to reconsider the application of Widewaters Stillwater Company for a retail development project in Bangor.	Y	A	Y	Y	Y	--	Y	Y	--	Y

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<u>JULY 17, 2003</u>	Y	--	Y	Y	Y	Y	Y	Y	Y	
<b>[1] China Lake Water Level</b> – motion to post the public hearing for August 21, 2003 beginning at 9:00 a.m. in Augusta and continuing at 6:00 p.m. for evening session in China										
<b>[2] Yoursamine, L.L.C.</b> – motion to grant the appeal of Yoursamine for construction of pier, ramp and float and direct the DEP to re-draft the board order reversing the Commissioner's decision to include special condition #3 requiring Phase I Archaeological Survey of the site prior to construction.	N	--	Y	Y	Y	Y	N	N	Y	
<b>[3] Town of Fort Kent</b> – motion to deny the appeal and affirm the Commissioner's decision granting an after-the-fact permit for construction of a multi-use-trail in Fort Kent.	Y	--	Y	Y	Y	Y	Y	Y	Y	
<u>AUGUST 7, 2003</u>	Y	--	Y	Y	Y	Y	Y	Y	Y	
<b>[1] Yoursamine, L.L.C.</b> – motion to table the decision to ratify the draft order approving the construction of a private pier for buildings 69 and 70 until the September 4, 2003 regular meeting										
<u>AUGUST 21, 2003</u>										
<b>[NO REGULAR AGENDA ITEMS – PUBLIC HEARING CONDUCTED] CHINA LAKE</b>										

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<u>SEPTEMBER 4, 2003</u>	Y	--	Y	Y	--	Y	Y	--	Y	
<b>[1] Chapter 691</b> – motion to conduct a public hearing on October 2 <sup>nd</sup> and establish October 17 <sup>th</sup> as the deadline for written comments.										
<b>[2] Yoursamine, L.L.C.</b> – motion to approve the draft Board Order that grants the appeal of Yoursamine L.L.C approving construction of a pier, ramp and float with Special Condition #3 requiring a Phase I Archaeological.	N	--	Y	Y	--	Y	A	--	Y	
<b>[3] IFW Mere Point Boat Ramp</b> - motion to assume jurisdiction finding substantial public interest generating more than local interest.	N	--	Y	Y	--	Y	N	--	Y	
<b>[4] Margot Freeman Family Trust</b> - motion to deny the appeal and affirm the Commissioners decision to deny the application to construct a pier in Georgetown.	Y	--	Y	Y	--	Y	Y	--	Y	
<u>SEPTEMBER 18, 2003</u>	Y	--	Y	Y	Y	Y	Y	Y	Y	
<b>[1] Chapter 153</b> – motion to conduct a public hearing on November 6th regarding new Mobile Equipment Repair and Refinishing regulations										
<b>[2] Tim Flynn</b> – motion to deny the appeal and affirm the Commissioners decision which denies construction of addition to residential dwelling in a sand dune.	Y	--	Y	Y	Y	Y	Y	Y	Y	

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<u>OCTOBER 2, 2003</u> [1] <b>S.D. Warren</b> – motion to deny the appeal and affirm the Commissioner's decision to approve with conditions the 401 Water Quality Certification	Y	Y	Y	Y		Y	Y	Y	--	
<u>OCTOBER 16, 2003</u> [NO REGULAR AGENDA ITEMS – MEETING CANCELED]										

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	Richard Wardwell	Irving Faunce	Ernest Hilton	Katharine Littlefield	*Vacant	Virginia Plummer	Matt Scott	Jean Wilkinson	Nancy Ziegler	Nancy Anderson
<u>NOVEMBER 6, 2003</u> [1] <b>Dept. Inland Fish &amp; Wildlife / Boat Ramp</b> – motion to grant intervenor status to Town of Brunswick, Friends of Mere Point, Coastal Conservation Assoc. and RTI petitioners directed the Department to modify 2 <sup>nd</sup> Procedural Order to grant RTI intervenor ability to present oral arguments on RTI issue.	Y	N	Y	N		Y	Y	--	Y	Y

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<u>NOVEMBER 20, 2003</u>	Y	N	Y	Y		Y	N	N	--	A
<b>[1] China / Water Level</b> - motion to direct staff to modify the draft proposed order to include additional detail in the findings and conclusions.										
<b>[2] James Family Trust</b> – motion to deny the appeal of Margaret Buxton-Babcock and affirm DEP Order granting a conditional permit for a seasonal overboard discharge	Y	Y	Y	Y		Y	Y	--	--	Y
<b>[3] Robert Cragin</b> – motion to deny appeal of Mr. Cragin and affirm Department order for conditional seasonal overboard discharge permit w/limit of 250 gallons maximum daily flow.	Y	Y	Y	Y		Y	Y	--	--	Y

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<b>DECEMBER 4, 2003</b>	Y	--	Y	Y		--	N	N	Y	Y
<b>[1] Pinnacle Partners of Sable Oakes</b> - motion to deny the appeal of Sablots LLC and Sable golf, LLC and approve construction of an office building and associated parking lot.	Y	--	Y	Y		--	Y	Y	Y	Y
<b>[2] Chapter 425, Asbestos Management Regulations</b> – motion to establish January 20, 2004 as the deadline for submittal of written public comment for amendments.	Y	--	Y	Y		--	Y	Y	Y	Y
<b>[3] Chapter 127, New Motor Vehicle Emission Standards</b> – motion to conduct a public hearing January 15, 2004 on the petitioner’s amendments.	Y	--	Y	Y		--	Y	Y	--	Y
<b>[4] Chapter 124, Reduced Sulfur Control</b> – motion to conduct a public hearing January 15, 2004.	Y	--	Y	Y		--	Y	Y	--	Y
<b>DECEMBER 18, 2003</b>	N	Y	N	Y		--	N	Y	Y	Y
<b>[1] Anne S. Hannum / Remand</b> – motion to have the five Board members who participated in the original proceeding re-deliberate on the existing record and issue a new decision.	Y	Y	Y	Y		--	Y	N	Y	Y
<b>[2] IFW / Mere Point Boat Ramp</b> – motion to deny the appeal by Friends of Mere Point and affirm the 3 <sup>rd</sup> Procedural Order.	Y	Y	Y	Y		--	Y	N	Y	Y

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